

STATE OF DELAWARE
OFFICE OF
AUDITOR OF ACCOUNTS

TEACHER CERTIFICATIONS

PERFORMANCE AUDIT

FISCAL YEAR 2007

FIELDWORK END DATE: JUNE 29, 2007

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EXECUTIVE SUMMARY

BACKGROUND

Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development* was effective as of August 31, 2002, and sets forth the state teacher licensure and certification requirements. The Professional Standards Board, through consultation with the Delaware Department of Education (DOE) established the licensure and certifications requirements to obtain a Delaware Teacher's license. An initial license is valid for three years and requires a bachelor's degree, a passing score on a general examination (generally Praxis I), and completion of student teaching. A continuing license is valid for five years and is granted to an educator holding an initial license. In order to renew a continuing license there is a professional development requirement (90 clock hours). An advance license requires the educator to have a "National Board for Professional Teaching Standards" certificate and is valid for ten years.

A standard certificate is issued to an applicant "who meets the requirements for licensure and has acquired the prescribed knowledge, skill or education to practice in a particular area." DOE may issue an "Emergency Certificate" upon request from the employing district. An emergency certificate is valid for up to three years, to an educator who holds a valid Delaware Initial, Continuing, or Advanced License, or a valid Standard or Professional Status Certificate, but who is not eligible for certification in the area of need. An Emergency Certificate may not be renewed. An Emergency Certificate issued to an educator in a vocational trade and industry area is valid for up to six years to provide time for completion of specified college level course work required for certification. In its request for the issuance of an Emergency Certificate, the employing district must establish that the proposed recipient of an Emergency Certificate is competent and set forth a written plan to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet the applicable certification requirements. Prior to August 31, 2002, DOE had a different certification system and most teachers were issued Standard Certificates in teachers' content area based on educational background. Once a standard certificate expired after December 1, 2002, the teacher automatically received a continuing license and a certificate in that content area. The law (Delaware Code, Title 14, Subchapter 1215) allows teachers with existing standard certificates to be grandfathered into the current Licensure System.

AUDIT CONCLUSIONS AND OBSERVATIONS

Overall, teachers were properly certified in accordance with Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development* at the following school districts: Appoquinimink, Brandywine, Caesar Rodney, Delmar, Indian River, and Milford. Four teachers out of a total sample of two hundred eighty-nine (289) were not properly certified.

However, issues relating to educator licensure and certification were identified in the audit at both the DOE and District levels. The following issues were identified at the Department of Education level:

- The Assessment and Accountability Branch of the Department of Education does not require school districts to complete an annual Status Report for teachers instructing under an emergency certification as required by Delaware Administrative Code.
- DOE does not have a mechanism in place for continuing and advanced license applicants to disclose a criminal conviction history or attest that they do not have a criminal conviction history.

EXECUTIVE SUMMARY

- The configuration of Delaware Educator Data Systems (DEEDS) at the time of our test allowed edit access to data that should have been secured and may result in DOE granting a license or certification that should have been denied.
- Independent verification of Praxis test scores not provided for three of thirteen teachers sampled with initial licenses at Appoquinimink School District, five of eleven teachers with initial licenses at Caesar Rodney School District, and two teachers at Milford School District – one of two with initial licenses and one of twenty-two with continuing licenses.
- The two school districts participating in the DPAS II pilot (Appoquinimink and Caesar Rodney) could not provide the required annual evaluations for all of the sampled educators requested by AOA based on an agreement between DOE, the State Board of Education, and the Delaware State Education Association regarding the pilot of the DPAS II and a memo from the Secretary of Education that states "the agreement calls for all records using DPAS II that were conducted during the two pilot years to be destroyed." Appoquinimink could not provide 37 out of 52 evaluations and Caesar Rodney could not provide 5 out of 51.

The following summarizes the District level findings:

- Teachers were not properly certified.
 - Three out of seventy-six teachers did not have the proper certification at Indian River School District.
 - One out of twenty-nine teachers did not have the proper certification at Milford School District.
- Appoquinimink School District was missing criminal background checks for two of thirteen teachers sampled with initial licenses.
- Missing annual evaluations for:
 - Three of eighty-three teacher files reviewed at Brandywine School District.
 - Four of seventy-six teacher files reviewed at Indian River School District.
 - One of twenty-nine reviewed at Milford School District.
- Lack of written policies and procedures at Appoquinimink, Caesar Rodney, Delmar, Indian River, and Milford School Districts.

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AUDIT AUTHORITY

Title 29, Del. C. c. 29 authorizes the Auditor of Accounts to perform post audits of all the financial transactions of all State agencies. The law requires that the audits be made in conformity with generally accepted auditing principles and practices. Such principles and practices are established by two standard setting bodies: the American Institute of Certified Public Accountants, which has issued generally accepted auditing standards, and the U.S. General Accountability Office, which has issued generally accepted government auditing standards.

BACKGROUND

Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development* was effective as of August 31, 2002, and sets forth the state teacher licensure and certification requirements. The Professional Standards Board, through consultation with the Delaware Department of Education (DOE) established the licensure and certifications requirements to obtain a Delaware Teacher's license. An initial license is valid for three years and requires a bachelor's degree, a passing score on a general examination (generally Praxis I), and completion of student teaching. A continuing license is valid for five years and is granted to an educator holding an initial license. In order to renew a continuing license there is a professional development requirement (90 clock hours). An advance license requires the educator to have a "National Board for Professional Teaching Standards" certificate and is valid for ten years.

A standard certificate is issued to an applicant "who meets the requirements for licensure and has acquired the prescribed knowledge, skill or education to practice in a particular area." DOE may issue an "Emergency Certificate" upon request from the employing district. An emergency certificate is valid for up to three years, to an educator who holds a valid Delaware Initial, Continuing, or Advanced License, or a valid Standard or Professional Status Certificate, but who is not eligible for certification in the area of need. An Emergency Certificate may not be renewed. An Emergency Certificate issued to an educator in a vocational trade and industry area is valid for up to six years to provide time for completion of specified college level course work required for certification. In its request for the issuance of an Emergency Certificate, the employing district must establish that the proposed recipient of an Emergency Certificate is competent and set forth a written plan to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet the applicable certification requirements.

An annual evaluation of educators is required by Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development*.

Prior to August 31, 2002, DOE had a different certification system and most teachers were issued Standard Certificates in teachers' content area based on educational background. Once a standard certificate expired after December 1, 2002, the teacher automatically received a continuing license and a certificate in that content area. The law (Delaware Code, Title 14, Subchapter 1215) allows teachers with existing standard certificates to be grandfathered into the current Licensure System. In these cases to determine if a teacher with a continuing or advanced license is certified for the classes that they are teaching, AOA will review the teacher's educational background and additional documentation in the file such as a certificate or additional transcript for reasonableness.

Delaware Educator Data System (DEEDS) is the State's online source for educator licensure/certification and credential maintenance. DEEDS provides its users with the tools necessary to apply for and maintain Delaware licensure/certification. In addition, DEEDS is a resource for those considering becoming licensed/certified educators in the State of Delaware. Delaware educators use the system to access, review, and update personal and professional information, and apply for any additional certifications. The school districts use the system to find and review educator information relevant to the hiring, licensure/certification, license maintenance, and *No Child Left Behind* compliance processes, and to assist educators with licensure/certification issues and processes.

BACKGROUND

DOE uses DEEDS as the source of licensure/certification information and has largely reduced the amount of paper documentation that is maintained on file. The general public also has access to the system for Delaware educator information in accordance with the "No Child Left Behind Act of 2001."

OBJECTIVES, SCOPE, & METHODOLOGY

SCOPE

The performance audit consisted of reviewing 10 percent of teachers in the following school districts: Appoquinimink, Brandywine, Caesar Rodney, Delmar, Indian River, and Milford. Additionally, the sample included a selection of teachers holding emergency certificates.

OBJECTIVE

To determine if the teachers employed at the District are properly certified in accordance with Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development*.

METHODOLOGY

The audit was performed in accordance with *Government Auditing Standards* applicable to performance audits issued by the Comptroller General of the United States.

The work plan for each District included the following:

1. Review of laws and regulation regarding Educator Licensure and Certification.
2. Randomly selected 10 percent of teachers from the State payroll system for March 3, 2007.
3. Determined through the DOE DEEDS system and school schedules, the subject(s) taught and/or the instructors' classroom function.
4. Determined if teachers meet the licensure and certification requirements in Delaware Code, Title 14, Chapter 12, Educator Licensure, Certification, Evaluation and Professional Development and the related Delaware Administrative Code, Title 14 by testing files at both DOE and the school districts.
5. Selected 10 percent of emergency teacher certifications to determine if the District and DOE complied with the requirements for emergency certification.

The criteria used in this performance audit consisted of the following:

Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development*

Delaware Administrative Code, Title 14, *Education*:

Section 100 *Accountability*, Section 106 *Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II)*

Section 300 *Certification*

Section 700 *Finance and Personnel*, Section 727 *Credit for Experience for Educators and for Secretarial Staff*

Section 700 *Finance and Personnel*, Section 745 *Criminal Background Check For Public School Related Employment*

Section 1500 *Professional Standards Board*

CONCLUSIONS

Determine if the teachers employed at the District are properly certified in accordance with Delaware Code, Title 14, Chapter 12, Educator Licensure, Certification, Evaluation and Professional Development.

Overall, teachers were properly certified in accordance with Delaware Code, Title 14, Chapter 12, *Educator Licensure, Certification, Evaluation and Professional Development* at the following school districts: Appoquinimink, Brandywine, Caesar Rodney, Delmar, Indian River, and Milford. Four teachers out of a total sample of two hundred eighty-nine (289) were not properly certified.

However, issues relating to educator licensure and certification were identified in the audit at both the DOE and District levels. The following issues were identified at the Department of Education level:

- The Assessment and Accountability Branch of the Department of Education does not require school districts to complete an annual Status Report for teachers instructing under an emergency certification as required by Delaware Administrative Code.
- DOE does not have a mechanism in place for continuing and advanced license applicants to disclose a criminal conviction history or attest that they do not have a criminal conviction history.
- The configuration of DEEDS at the time of our test allowed edit access to data that should have been secured and may result in DOE granting a license or certification that should have been denied.
- Independent verification of Praxis test scores not provided for three of thirteen teachers sampled with initial licenses at Appoquinimink School District, five of eleven teachers with initial licenses at Caesar Rodney School District, and two teachers at Milford School District – one of two with initial licenses and one of twenty-two with continuing licenses.
- The two school districts participating in the DPAS II pilot (Appoquinimink and Caesar Rodney) could not provide the required annual evaluations for all of the sampled educators requested by AOA based on an agreement between DOE, the State Board of Education, and the Delaware State Education Association regarding the pilot of the DPAS II and a memo from the Secretary of Education that states "the agreement calls for all records using DPAS II that were conducted during the two pilot years to be destroyed." Appoquinimink could not provide 37 out of 52 evaluations and Caesar Rodney could not provide 5 out of 51.

The following chart summarizes the District level findings:

<i>FINDING</i>	<i>SCHOOL DISTRICT</i>	<i>EXCEPTION</i>
<i>Teachers Not Properly Certified:</i>		
	Indian River	3 of 76 teachers did not have the proper certification
	Milford	1 of 29 teachers did not have the proper certification
<i>Missing Criminal Background Checks:</i>		
	Appoquinimink	2 of 13 teachers sampled with initial licenses
<i>Missing Annual Evaluations:</i>		
	Brandywine	3 of 83 teacher files reviewed
	Indian River	4 of 76 teacher files reviewed
	Milford	1 of 29 teacher files reviewed
<i>Lack of written policies and procedures:</i>		
	Appoquinimink, Caesar Rodney, Delmar, Indian River, Milford	-

FINDINGS AND RECOMMENDATIONS

DEPARTMENT OF EDUCATION

Finding #1 – Annual Status Reports

The Assessment and Accountability Branch of the Department of Education (DOE) does not require school districts to complete an Annual Status Report for teachers instructing under an emergency certification.

Delaware Administrative Code, Title 14 *Education*, 1500 *Professional Standards Board*, Section 1506 *Emergency Certificate*, Subsection 4.0 *Employing District Report* states "At the end of each school year during which an Emergency Certificate is in effect, the employing district shall file a status report with the Department."

Each of the six school districts audited had at least one teacher instructing under an emergency certificate. The Districts do not prepare an Annual Status Report for DOE and DOE does not require Annual Status Reports. As a result, DOE does not provide oversight of teachers with emergency certificates to ensure they are complying with the Administrative Code.

Recommendation

In order to ensure compliance with Delaware Administrative Code, Title 14, DOE should require the districts to complete an annual status report of all teachers instructing under an emergency certificate. DOE should provide guidance to the districts on the requirements for an annual status report and should perform a review of the status report to ensure that DOE and the Districts have complied with Delaware law.

Auditee Response

The Department of Education is requiring districts to submit a written report and a plan for all teachers holding an emergency certificate. This is in place for the 2007-08 school year and districts have been informed of such.

Finding #2 – Criminal Conviction History

DOE does not have a mechanism in place for continuing and advanced license applicants to disclose a criminal conviction history or attest that they do not have a criminal conviction history.

Delaware Administrative Code, Title 14 *Education*, Section 1511 *Issuance and Renewal of Continuing License*, Subsection 10.0 *Criminal Conviction History* states "an applicant shall disclose his or her criminal conviction history upon application for a Continuing License. Failure to disclose a criminal conviction history is grounds for denial or revocation of a Continuing License as specified in 14 Del.C. §1219." Delaware Administrative Code, Title 14 *Education*, Section 1512 *Issuance and Renewal of Advanced License*, Subsection 8.0 states "an applicant shall disclose his or her criminal conviction history upon application for an Advanced License."

For continuously employed teachers within the District, the Continuing license process is handled electronically through DEEDS. Within DEEDS there is no area where an educator applying for a continuing license or renewal of a license can disclose a criminal conviction history or lack of one.

FINDINGS AND RECOMMENDATIONS

As a result, in conducting our audit of teachers with continuing licenses there was no documentation from the teacher asserting that they did not have a criminal conviction history. Non-compliance with the above noted law may result in DOE granting a license that should have been denied or revoked.

Recommendation

DOE should develop and implement a methodology to comply with Delaware Administrative Code, Title 14 *Education*, Sections 1511 and 1512 regarding the disclosure of a criminal conviction history relating to the issuance and renewal of Continuing and Advanced Licenses. Although not specifically required by law, DOE and the Districts may also consider addressing ways to verify the accuracy of the educator's disclosure, such as through periodic criminal background checks.

Auditee Response

The Department of Education will add the disclosure of criminal conviction history to all continuing and advanced license application requests. This will be added as of November 1, 2007.

Finding #3 – Unauthorized Changes in DEEDS

The configuration in the Delaware Educator Data System (DEEDS) as of April 11, 2007, allowed unauthorized individuals to make changes to test scores for individual educators.

Best practice control standards for computerized application systems require that sensitive data fields be locked down and only authorized individuals have access.

DEEDS is the State's online system for educator licensure/certification and credential maintenance. Praxis test scores are received into DEEDS electronically from the testing service provider. DOE relies on the test scores in DEEDS for granting licenses and certifications. DOE represented to AOA that the test scores were in a secure field and could not be changed. During our audit, AOA requested a DOE Information Systems Contractor to log into the system with the rights of a DOE staff and attempt to change a test score. The individual was able to change the test score. As a result, AOA could not rely on DEEDS test score information.

This review of the access security to the Praxis test score data field on DEEDS noted that this sensitive field can be updated by a user with access to the system regardless of their access level (e.g., Inquiry or Update). The Praxis test score field is considered to be sensitive, since the data contained in it is used by DOE to grant licenses and certifications. Therefore, Update access to the field should be permitted to a few authorized individuals who require the access to perform their job functions. Unauthorized access may result in DOE granting a license or certification that should have been denied.

Recommendation

We recommend that management follow the established best practice control standards for computerized application systems by locking down the ability to update sensitive data fields and permitting this ability to only authorized users. In addition, best practice control standards require that the audit trail report showing the updates made to the Praxis test score field be reviewed by someone other than the individual(s) with the ability to make the updates to ensure the integrity of the entered data.

FINDINGS AND RECOMMENDATIONS

Auditee Response

The best practice standards have been followed and the appropriate changes made to the DEEDS system to limit access the PRAXIS test score field. Further, an audit trail of changes to this field has been added to the administration function of DEEDS. This is completed.

Finding #4 – Praxis Test Scores

Independent verification of Praxis test scores were not provided at the DOE or District level for three of thirteen teachers sampled with initial licenses at Appoquinimink School District, five of eleven teachers with initial licenses at Caesar Rodney School District, and two teachers at Milford School District – one of two with initial licenses and one of twenty-two with continuing licenses.

Delaware Code, Title 14 *Education*, Chapter 12 *Educator Licensure, Certification, Evaluation, and Professional Development*, §1210 *The Initial Licensure* states "The Department shall issue an initial license under this section if an applicant . . . achieved a passing score on an examination of general knowledge such as Praxis I . . ."

Praxis test scores are received into DEEDS electronically from the testing service provider. AOA could not rely on DEEDS test score information (See Finding #3 under DOE) and reviewed DOE and District files for independent support that the teacher had passed the necessary tests. Although DEEDS indicated that the teacher had a passing testing score, AOA could not obtain independent confirmation of the passing test scores for the teachers at DOE or the Districts noted above.

Recommendation

We recommend that DOE review its internal documentation requirements to ensure that it is granting licenses and certifications based on actual test results.

Auditee Response

DOE has reviewed and revised its internal procedures to ensure that it is granting licenses and certification based on actual test results.

Finding #5 – DPAS II

Appoquinimink and Caesar Rodney School Districts could not provide annual evaluations for all of the sampled educators requested by AOA. Appoquinimink could not provide 37 out of 52 evaluations and Caesar Rodney could not provide 5 out of 51.

Delaware Code, Title 14 *Education*, Chapter 12 *Educator Licensure, Certification, Evaluation, and Professional Development*, Subchapter VII *Educator Evaluations*, §1270 *The Delaware Performance Appraisal System II* states "an educator must receive at least 1 Delaware Performance Appraisal System II (DPAS II) evaluation annually."

Currently only two school districts, Appoquinimink and Caesar Rodney, are participating in the DPAS II pilot. Per an agreement between DOE, the State Board of Education and the Delaware State Education Association regarding the pilot of the DPAS II, the pilot will be a hold harmless project and "all records associated with individual educators will be expunged at the end of the pilot period and will not be used in whole or in part to evaluate any participant."

FINDINGS AND RECOMMENDATIONS

A memo from the Secretary of Education states "Further, the agreement calls for all records using DPAS II that were conducted during the two pilot years to be destroyed. To that end, if you hire an individual who was employed in Caesar Rodney or Appoquinimink during the 2005-06 or 2006-07 school years, they will not be able to disclose evaluations during that time period as required by 14 DE Code §1274." Based on this memo, Appoquinimink and Caesar Rodney could not provide all the evaluations requested by AOA. As a result, AOA could not determine compliance with Delaware Code, Title 14 *Education*, Chapter 12 *Educator Licensure, Certification, Evaluation, and Professional Development*, Subchapter VII *Educator Evaluations*.

Recommendation

We recommend that DOE adjust their guidance to the school districts participating in the Pilot of DPAS II to comply with Delaware law and the agreement between DOE, the State Board of Education and the Delaware State Education Association regarding the pilot of the DPAS II and maintain annual evaluations until the end of the pilot period.

Auditee Response

DPAS II was piloted during the 2005-06 and 2006-07 school years. Per the agreement between the above stated groups, all evaluations using the DPAS II process and procedures that were conducted during the two year pilot have been destroyed. Beginning with the 2007-08 school year, six districts and three charter schools will be implementing DPAS II under regulations to be approved by the State Board of Education on September 20, 2007.

FINDINGS AND RECOMMENDATIONS

SCHOOL DISTRICTS

Finding #1 – Teachers not properly certified

Four teachers from a sample of two hundred eighty nine (289) teacher files at the six school districts audited did not have the proper certification to teach in some or all of the classes they were instructing as follows:

Indian River School District:

The review of seventy-six teacher files at the Indian River School District disclosed that three teachers did not have the proper certification to teach in some or all of the classes they were instructing as follows:

1. A teacher of secondary physical education and health did not have a certification to teach health.
2. One special education teacher did not have a certification in special education. The teacher had a master's degree in special education, but did not apply for certification to teach special education. This individual has been teaching special education for the past three school years.
3. A special education teacher hired in September 2006 was not certified to teach special education. Although the teacher had met the requirements in November 2006, the District should have applied for an emergency certificate to cover September 2006 through November 2006.

Milford School District:

One of 29 teachers sampled at the Milford School District did not have the proper certification to teach in some or all of the classes where instructing. A special education teacher did not have a certification in special education. The teacher ultimately met the requirements to teach Special Education as of April 30, 2007, and was granted a Special Education Certification. However, the District should have applied for an emergency certification at the beginning of the school year.

Delaware Administrative Code, Title 14 *Education*, Section 1505 *Standard Certification* documents the general requirement for teacher certification. Delaware Administrative Code, Title 14 *Education*, Sections 1517 through 1594 documents the specific certification requirements for types of educators.

Title 14 *Education*, Section 1500 *Professional Standards Board*, Subsection 1541 *Secondary Health Education Teacher*, Subsection 1.0 *Content*, states "This regulation shall apply to the requirements for a Standard Certificate, pursuant to 14 Del.C. §1220(a), for Health Education Teacher (required in grades 9 to 12 . . .)." The above noted teacher (1.) at Indian River School District was instructing health at the high school level and thus is required to have a Certification in Health.

Title 14 *Education*, 1500 *Professional Standards Board*, 1571 *Secondary Exceptional Children Special Education Teacher*, subsection 3.0 *Standard Certificate* states "In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as a Teacher Exceptional Children Special Education Elementary to an applicant who holds a valid Delaware Initial, Continuing, or Advanced License; or Standard or Professional Status Certificate issued by the Department prior to August 31, 2003, and who meets the following requirements . . ." Since neither the teacher (2.) nor Indian River School District

FINDINGS AND RECOMMENDATIONS

applied for the Special Education Certification, the Department of Education could not issue a Special Education Certificate.

Title 14 *Education*, 1500 *Professional Standards Board*, 1506 *Emergency Certificate*, subsection 3.0 *Issuance of Emergency Certificate* states "Upon request from the employing district, the Department may issue an Emergency Certificate, valid for up to three years, to an educator who holds a valid Delaware Initial, Continuing, or Advanced License, or a valid Standard or Professional Status Certificate, but who is not eligible for certification in the area of need." Neither the Districts nor the teachers, (3.) at Indian River, and the one at Milford, requested an emergency certificate.

Recommendation

The School Districts should review all teachers currently instructing in the district and determine that they have the proper certification in their instruction area. The Districts should take action to ensure that any teachers without proper certification apply for an emergency certification and take the necessary action to obtain permanent certification. The Districts should also implement written procedures to ensure that all teachers are certified in the area(s) that they instruct.

Auditee Response

Indian River School District:

1. *A teacher of secondary physical education and health did not have a certification to teach health.*

This educator currently holds standard certificates in Physical Education and Health education effective 8/1/2006-7/31/2009. An emergency certification was requested on May 15, 2007. At that time, the DEEDS website indicated that this educator already had an application on file with a certificate pending.

2. *One special education teacher did not have a certification in special education. The teacher had a master's degree in special education, but did not apply for certification to teach special education. This individual has been teaching special education for the past three school years.*

This educator currently holds a standard certificate in exceptional children that was issued June, 2007 effective 8/1/2005 based on the regulations that were in effect when he began teaching special education.

3. *A special education teacher hired in September 2006 was not certified to teach special education. Although the teacher had met the requirements in November 2006, the District should have applied for an emergency certificate to cover September 2006 through November 2006.*

The employee currently holds a standard certificate in exceptional children effective 1/1/07. However, there is no evidence in this educator's file that the district applied for an emergency certification in special education. During the September 2006-November 2006 time frame, there were staff changes in the Department of Personnel.

FINDINGS AND RECOMMENDATIONS

The Indian River School District Office of Personnel is in the process of creating a manual which includes an area on certification-emergency and standard. Moreover, the Department of Personnel closely monitors and reviews the certification status of all new and existing employees.

Milford School District:

Milford School District agrees with your findings on the issue of requesting of emergency certification before requesting praxis II testing. We will implement your recommendation ASAP.

Finding #2 – Criminal Background Checks

Appoquinimink School District (the District) could not provide criminal background checks for two of the thirteen teachers selected with initial licenses.

Delaware Administrative Code, Title 14 *Education*, Section 1510 *Issuance of an Initial License*, Subsection 8.0 states "*An applicant shall disclose his or her criminal conviction history upon application for an Initial License.*" School districts satisfy this requirement by requiring the applicant to obtain a criminal background check. The District could not locate criminal background checks for two teachers.

Non-compliance with this regulation may result in DOE granting a license that should have been denied.

Recommendation

The District obtain criminal background checks for all new hires in accordance with Delaware Code and District procedures, and the District maintain the background checks in District educator files.

Auditee Response

Appoquinimink School District:

The District requires that criminal background checks be completed. This is a requirement that we inform any new hire in their offer of employment letter. The process with the State Police can take up to several weeks and at times months to receive the report back. The District is still waiting for reports on hires from last school year. (06-07)

Specifically, the two teachers that the auditor did not find a criminal background record we have obtained a receipt that one has applied and been fingerprinted. We have not yet received the actual report. The second teacher, we have requested verification of application but this has not been received. The District will continue to follow up on this and make every effort to have these records in place.

Finding #3 – Missing Evaluations

The following school districts could not provide annual evaluations as follows:

- Brandywine School District did not have evaluations on file for three teachers out of the eighty-three teacher files reviewed.
- Indian River School District did not have evaluations on file for four teachers (three with continuing licenses and one with advanced licenses) out of the seventy-six teacher files reviewed.
- Milford School District did not have evaluations on file for one teacher out of the twenty-nine teacher files reviewed.

FINDINGS AND RECOMMENDATIONS

Delaware Code, Title 14 *Education*, Chapter 12 *Educator Licensure, Certification, Evaluation, and Professional Development*, Subchapter VII *Educator Evaluations*, §1270 *The Delaware Performance Appraisal System II* states "an educator must receive at least 1 Delaware Performance Appraisal System II (DPAS II) evaluation annually."

Although School Districts are not participating in the pilot of DPAS II, the Districts are responsible for complying with the annual evaluation requirement under DPAS I.

Recommendation

The Districts should complete annual evaluations for its educators to be in compliance with Delaware law. Additionally, the Districts should develop an evaluation retention policy.

Auditee Response

Brandywine School District:

The district will ensure that annual evaluations are completed for all educators. The District has already implemented an evaluation retention policy as well as other procedures to ensure that all educators are evaluated each year.

Indian River School District:

The district is currently evaluating our evaluation retention policy. The retention policy will be contained in the Department of Personnel's Policy and Procedure Manual.

All of the above-reference teachers are tenured. Per DPAS I guidelines, tenured teachers must receive:

- A minimum of one formative conference/report each of two years, and a performance appraisal/conference at the end of a two-year cycle using the short narrative instrument.

Milford School District:

We accept your findings and agree that the teacher in question did not have the needed evaluations. We accept your recommendation and will put double checks on compliance and completion of all evaluations written by principals. Copies of evaluations will be retained at both the school and district office.

FINDING #4 – Policies and Procedures

The following school districts do not have written policies and procedures for their educator licensure/certification processes:

- Appoquinimink
- Caesar Rodney
- Delmar
- Indian River
- Milford

FINDINGS AND RECOMMENDATIONS

Management is responsible for establishing internal controls through written policies and procedures. Written policies and procedures are beneficial for identifying and ensuring that control objectives are met, as well as the training of current and new employees, and are a valuable resource in the event an employee leaves the Districts. Policies and procedures should be updated regularly and include sufficient information to permit an individual who is unfamiliar with the District's operations to perform the necessary activities.

Documentation is an important aspect of control and communication. It generally provides (1) an understanding of an entity's objectives, (2) a basis for training new personnel, (3) a means of communicating common information, (4) a source of information about accounting controls, and (5) a source of information that will aid in providing continuity in the event experienced personnel leave.

The State of Delaware *Budget and Accounting Manual* Chapter II states, "A well designed system of controls must include written policies and procedures to ensure that each control objective is met."

Internal Control - Integrated Framework, published by COSO, defines control activities as policies and procedures that help ensure management directives are carried out. Control activities occur throughout an organization, at all levels and functions, and include a wide range of activities, such as authorizations, verifications, reconciliations, reviews of operating performance, security of assets, and segregation of duties. To ensure control activities meet the objectives of management, written policies and procedures need to be established, communicated to employees, and documented.

The Districts have not documented their policies and procedures for their educator licensure/certification processes. Processes and policies may not be properly communicated to employees nor consistently followed. There is no assurance that new and existing personnel will have adequate guidance in performing their assigned tasks or that the Districts will be in compliance with applicable laws and regulations.

Recommendation

The Districts develop written policies and procedures to properly and adequately detail the educator licensure/certification processes incorporating all applicable laws and regulations.

Auditee Response

Appoquinimink School District:

The District informs employees by written notification of the requirements for certification and the process that is followed. This notification instructs the employee of the DEEDS website and the certification process. This is an employee responsibility that they meet the certification and licensing requirements. The written notification, laws, regulations and DEEDS website adequately describes the responsibilities of the employees. We inform the employee of their responsibility and we follow up and meet with employees if they do not comply. As we established with the auditors, the District sends written notices to employees and when they continue to ignore our communication, face to face meetings are scheduled. We have demonstrated the District's compliance with the law by not renewing contracts with employees who have failed to complete their certification requirements. The process of written notification, face to face meetings and DEEDS compliance meets the needs of the District. A written policy and procedure could be completed to describe this process, but employees are well aware of their responsibilities by our written notice rather than a formal policy.

FINDINGS AND RECOMMENDATIONS

Caesar Rodney School District:

The licensure/certification process is the sole responsibility of the Department of Education. The only requirement outlined in Delaware Code or Administrative Regulations that Districts must satisfy is found in Title XIV, § 1313. Employment requirements: A person may not be employed by a public school employer in any position requiring licensure and certification if the person does not meet licensure and certification requirements established under Chapter 12 of this title, except pursuant to a license extension and/or emergency certificate issued pursuant to Chapter 12. A person's salary may not be reduced because that person is employed under a license extension and/or emergency certificate. (46 Del. Laws, c. 48, § 5; 47 Del. Laws, c. 195, § 1; 14 Del. C. 1953, § 1313; 50 Del. Laws, c. 261, § 10; 50 Del. Laws, c. 602, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 180, § 69; 72 Del. Laws, c. 294, § 38.)

Since the District has no authority to issue licenses and certification it must rely on the Department of Education's issuance procedure. The District provided evidence including Board policy, procedural outlines, Pre-Employment worksheets and procedures and application forms that clearly outlines the District's policies, procedures, and processes for persons considered for employment in a position that requires a license and/or certification. It is communicated from the early stages of consideration for employment that certification/licensure is a required part of the employment process as outlined (in writing) on the application process page (See information on website at www.cr.k12.de.us for both Board Policy and Instructional Staff Handbook).

The District will review and update its current written procedures as dictated by changes through the Department of Education.

Delmar School District:

The District office will develop policies that will clearly outline the process for licensure and certification, and the support staff will be instructed as to what their assigned duties are with respect to personnel issues.

Indian River School District:

The Indian River School District Department of Personnel has followed the Delaware Code and the Department of Education regulations and communicates policies, processes and procedures to employees. In an effort to ensure that all new and existing personnel will have adequate guidance in performing their assigned tasks and that the Indian River School District will be in compliance with applicable laws and regulations, the Department of Personnel is in the process of encapsulating all of the policies and procedures in a manual available to all employees. The anticipated completion date of the manual is on or about November 30, 2007. We will forward a copy of these to the Office of Auditors if needed.

Milford School District:

The Milford School District agrees that policies and procedures are necessary in the area of certification a licensure. Currently we use individual sessions to introduce new employees to the DEEDS system, which does include detailed information on the law and regulations. We will develop a policy and procedure for all employees so they will have guidelines to access information. We do accept your findings and agree that this step will insure more information and will assist in a transition when experienced personnel leave the district.

DISTRIBUTION OF REPORT

Copies of this report have been distributed to the following public officials:

Executive

The Honorable Ruth Ann Minner, Governor, State of Delaware
The Honorable Richard S. Cordrey, Secretary, Department of Finance
The Honorable Jennifer W. Davis, Director, Office of Management and Budget
Ms. Trisha Neely, Director, Division of Accounting, Department of Finance
The Honorable Valerie A. Woodruff, Secretary, Department of Education

Legislative

The Honorable Russell T. Larson, Controller General, Office of the Controller General

Other Elective Offices

The Honorable Joseph R. Biden, Attorney General, Office of the Attorney General
The Honorable Jack Markell, Treasurer, State Treasurer's Office

Other

Ms. Robin Taylor, Associate Secretary, Assessment and Accountability, Department of Education
Dr. Wayne Barton, Acting Director, Professional Accountability, Department of Education
Ms. Joanne Christian, President, Board of Education, Appoquinimink School District
Dr. Tony J. Marchio, Superintendent, Appoquinimink School District
Mr. Joseph Brumskill, President, Board of Education, Brandywine School District
Dr. James R. Scanlon, Superintendent, Brandywine School District
Mr. David Henderson, President, Board of Education, Caesar Rodney School District
Dr. Kevin R. Fitzgerald, Superintendent, Caesar Rodney School District
Ms. Joanne Gum, President, Board of Education, Delmar School District
Dr. David C. Ring, Jr., Superintendent, Delmar School District
Mr. Charles M. Bireley, President, Board of Education, Indian River School District
Dr. Susan S. Bunting, Superintendent, Indian River School District
Mr. Marvin P. Schelhouse, President, Board of Education, Milford School District
Dr. Robert D. Smith, Superintendent, Milford School District